

Remarks

The Application has been reviewed in light of the Official Action of July 20, 2009. Claims 25-38, 40-48, and 50 are pending in the Application.

The Examiner has rejected claims 25-38 and 40-48 under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 25 has been amended to address this rejection.

The Examiner has rejected claims 25, 26, 33, 38, 40-42, 44, 46 and 50 under 35 U.S.C. 103(a) as being unpatentable over Morrison (US 4,522,832). The Examiner has rejected claims 25-38, 40-48 and 50 under 35 U.S.C. 103(a) as being unpatentable over Bell et al. (US 5,902,797) in view of Martinez et al. (J Dairy Sci. 1998, 71, 893-900), the Merck Manual, Mahmoud et al. (US 5,104,676), Hsia (US 6,294,166) and Acosta et al. (US 5,550,146).

For the reasons set forth in its response of April 23, 2009, Applicant respectfully submits that all pending claims are allowable. Further, each of the independent claims are amended to require the treatment of mammals “with an energy deficiency due to hepatic dysfunction, renal dysfunction, or digestive tract condition.” The references identified by the Examiner do not disclose or fairly suggesting treating this patient population “with an energy deficiency due to hepatic dysfunction, renal dysfunction, or digestive tract condition” in accordance with the claimed steps. This claimed limitation provides an additional basis for concluding that the invention of the present application is patentable over the cited prior art.

For the foregoing reasons, Applicants respectfully submit that all pending claims are patentable over the references of record, and earnestly solicits allowance of the same.

Respectfully submitted,

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/Wesley W. Whitmyer, Jr./

Wesley W. Whitmyer, Jr., Registration No. 33,558
Christopher H. Strate, Registration No. 57,376
Attorneys for Applicants
ST.ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
Tel. 203 324-6155